

1 **1607. Issuance, Expiration and Renewal of Licenses and**
2 **Certificates.**

3 (a) Professional Foresters Licenses and Specialty
4 Certificate shall be renewed on alternating years with odd-
5 numbered licenses and certificates expiring on July 1 of
6 odd-numbered years and even-numbered licenses and
7 certificates expiring on July 1 of even-numbered years,
8 upon payment of applicable fees and demonstration of
9 compliance with licensing requirements as set forth in
10 Public Resources Code, section 769, and California Code of
11 Regulations, title 14, section 1629.

12 (b) Newly issued Professional Foresters Licenses and
13 Specialty Certificates shall be valid, on payment of the
14 appropriate fee, from the date of issuance to July 1 of
15 odd-numbered years for odd-numbered licenses and
16 certificates and July 1 of even-numbered years for even-
17 numbered licenses and certificates. The appropriate fee for
18 a newly issued license or certificates shall be based on
19 proration of the annual rate for the license as provided in
20 §1605(b)(2) or certificates as provided in §1605(b)(4)
21 against the term of the newly issued license or
22 certificate. Individuals reinstating their license or
23 certificate from withdrawal shall pay the full renewal fee
24 regardless of the actual length of time remaining in the
25 applicable two year renewal cycle.

26 (c) Licenses and specialty certificates are not valid
27 unless fees are paid prior to the expiration date. Written
28 notification of delinquency shall be mailed no later than

September 1 to those persons whose license or specialty certificate(s) expired. Individuals have sixty (60) days from the date of mailing the delinquency notice to reinstate the license or certificate by paying renewal fees and penalties, after which the Board shall revoke the license or certificate. By paying all renewal fees and penalties, within one year of the renewal date, the individual may reinstate a license or certificate(s) revoked because of delinquency.

1612. Discipline.

The committee may, upon its own motion, and shall upon motion of the Board or upon the verified complaint in writing of any person, cause investigation to be made, by a qualified or licensed and independent investigator, of the actions of any person licensed as a professional forester or specialty certificant. The committee shall make recommendations to the Board for any action provided by law.

1612.1 Disciplinary Guidelines.

The Board establishes these guidelines to ensure that consequences in any disciplinary action of a Registered Professional Forester or specialty certificant are known, and to facilitate uniformity of process and penalties. While recognizing that Administrative Law Judges or other appropriate decision-makers must be free to exercise their discretion appropriately in a particular case, the Board desires that these guidelines be followed to the extent possible, and that the

Board's decisions pursuant to these guidelines, including any departures therefrom be noted and explained in the proposed decision. The Board further desires that matters in extenuation and mitigation, as well as those in aggravation, be fully considered and noted in the proposed decision. The primary importance is the adverse effect the Registered Professional Forester's or specialty certificants' actions had, or will continue to have, on the protection of the public interest.

(a) If convicted of a felony as defined in Section 778(a) and governed by Section 778.5, Public Resources Code, ranges of disciplinary action for conviction(s) are:
Maximum: Revocation of the license.

Minimum: Revocation stayed for 2 years on the following conditions:

(1) Actual suspension for 1 year.

(2) The respondent shall obey all laws and regulations related to the practice of forestry.

(b) If found guilty of fraud, deceit, or gross negligence in his or her practice, governed by Public Resources Code, Section 778(b), the ranges of disciplinary action for the violation(s) are:

Maximum: Revocation of the license.

Minimum: 6 months suspension stayed for 1 year on the following conditions:

(1) Actual suspension for 60 days.

(2) Within one year of the effective date of the Board's decision, the respondent shall successfully complete a training program, approved in advance by

1 the Board as being specifically related to the area(s)
2 of professional failure.

3 (3) Respondent must practice, for up to one year, with
4 the review of work products by a Registered
5 Professional Forester, or other specialty
6 certificant~~ist~~, as approved by the Board.

7 (4) The respondent shall obey all laws and regulations
8 related to the practice of forestry.

9 (c) If found guilty of misrepresentation or material
10 misstatement of fact in his or her practice, governed by
11 Public Resources Code, Section 778(b), the ranges of
12 disciplinary action for the violation(s) are:

13 Maximum: Revocation of the license.

14 Minimum: 90 days suspension stayed for 1 year with 15 days
15 actual suspension, and one or more of the following:

16 (1) Within one year of the effective date of the
17 Board's decision, the respondent shall successfully
18 complete a training program, approved in advance by
19 the Board as being specifically related to the area(s)
20 of professional failure.

21 (2) Respondent must practice, for up to one year, with
22 review of work products by a Registered Professional
23 Forester or specialty certificant, as applicable, as
24 approved by the Board.

25 (3) The respondent shall obey all laws and regulations
26 related to the practice of forestry.

1 (d) If found guilty of incompetence governed by Section
2 778(b), Public Resources Code, in his or her practice, the
3 ranges of disciplinary action for violation(s) are:

4 Maximum: Revocation of the license.

5 Minimum: Revocation stayed up to 3 years with license
6 suspension until the completion of all of the following
7 conditions:

8 (1) The respondent shall successfully complete a
9 training program, approved in advance by the Board,
10 specifically related to the area of incompetency, and

11 (2) The respondent shall take and be notified of
12 passing the Registered Professional Foresters
13 examination, and

14 (3) Respondent must work, at least six months full
15 time equivalent, under the supervision of a Registered
16 Professional Forester, with review of work products,
17 as approved by the Board.

18 (4) The Respondent shall obey all laws and regulations
19 related to the practice of forestry.

20 (e) If found guilty of fraud or deceit in obtaining a
21 license, governed by Section 778(c), Public Resources Code,
22 the ranges of disciplinary action for violation(s) are:

23 Recommended Action: Revocation of license.

24 (f) If found guilty of aiding or abetting a violation of,
25 or material failure to comply with the provisions of the
26 Professional Foresters Law, governed by Section 778(d) and

27 (e) and including but not necessarily limited to violation
28 of requirements for licensing set forth in Section 769,

Public Resources Code, the ranges for disciplinary action for violation(s) are:

Maximum: Revocation of the license

Minimum: 15 days actual suspension

(g) If found guilty of failure to materially comply with any provision of the Professional Foresters Law, the Board may issue a private reprimand when the respondent commits a failure of responsibility which warrants a level of discipline lesser than suspension. If the evidence is insufficient to support a private reprimand or an accusation, the executive officer may send a confidential letter expressing the committee's concerns. If there are insufficient grounds for discipline, the executive officer shall send a letter of exoneration to the respondent.

(h) In any of the above actions, the respondent shall submit such special reports as the Board may require. Said reports shall be designed to provide information as to those facets of his/her work which resulted in the disciplinary action.

(i) The petitioner in a complaint submitted under Public Resources Code section 775 and/or under California Code of Regulations, title 14, section 1612, may appeal the decision to close a complaint without an adjudicatory proceeding under the Administrative Procedure Act, Government Code sections 11370 et seq., by following the procedure set forth in California Code of Regulations, title 14, section 1647.

1 (j) In disciplinary proceedings under this title, any
2 member of the Board, PFEC, or their designees, as
3 applicable, who receives an ex parte communication from
4 either the complainant or the subject of the complaint
5 shall disclose the date, time, participants, and general
6 nature of the communication (including any documents) to
7 the other party within 10 days after the communication
8 occurs. For purposes of this section, "ex parte
9 communication" shall have the same meaning as that provided
10 in Public Resources Code section 30322, except references
11 to the "commission" shall refer to the Board, PFEC, or
12 their designees. Failure to comply with this disclosure
13 requirement shall result in the recusal of the affected
14 member of the Board, PFEC, or their designees from further
15 participation in the disciplinary process.

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17 **1612.2. Notification of Disciplinary Action.**

18 (a) Conditions of staying an order which suspends or
19 revokes a license on any of the grounds for disciplinary
20 action specified in Section 778, Public Resources Code,
21 shall require:

22 (1) Respondent to submit to the Board, not later than
23 thirty (30) days after the decision becomes effective,
24 a complete list of all business and/or client names,
25 addresses, and phone numbers with whom a current
26 contractual or employment relationships exists.

27 Furthermore, respondent shall notify the Board within
28 ten (10) days of any new contractual or employment

relationships over the duration of the stayed order.
This information may be used to aid the Board in
monitoring the performance of respondent over the
period of the stayed order.

(2) Board to notify each business and/or client name
submitted, or at its option require respondent to
notify with Board approved language and proof of
notification, of the offense(s), findings and
discipline imposed.

(b) The Board shall provide public notice of disciplinary
actions. The Board shall comply with the following
standards when providing public notice:

(1) When the RPF or specialty certificant is
exonerated or when a complaint submitted under Public
Resources Code section 775 and/or under California
Code of Regulations, title 14, section 1612, is closed
without an adjudicatory proceeding under the
Administrative Procedure Act, Government Code sections
11370 et seq., and a PFEC Letter of Concern or Private
Board Reprimand is not issued, their name and license
number ~~and the specifics of the cases~~ will not be made
public in "Licensing News". A summary of the case will
be noticed in "Licensing News", and will include the
following:

(A) Case number.

(B) Allegation: citing possible cause(s) of
action under 14 CCR §1612.1.

1 (C) Authority: citations of applicable statutory
2 and regulatory sections.

3 (D) Action: announcement of the exoneration and a
4 general summary of the facts of the case, along
5 with the reasons for the Board's decision
6 explaining in detail why the complaint was closed
7 and/or why exoneration was warranted. The
8 notification shall also disclose that the members
9 of the PFEC or Board considered the potential for
10 conflict of interest or bias and whether any
11 members of the PFEC or Board recused themselves
12 accordingly.

13 (2) When disciplinary action results in the issuance
14 of a PFEC Letter of Concern or Private Board
15 Reprimand, the name of the RPF or specialty
16 certificant and specifics of the case and license
17 number will not be made public in "Licensing News";
18 however, the fact of issuance of a PFEC Letter of
19 Concern or Private Board Reprimand shall be available
20 upon a request under the Public Records Act,
21 Government Code sections 6250 et seq., for records
22 relating to the specific individual and to the
23 petitioner in the complaint initiating the
24 disciplinary decision. A summary of the case will be
25 noticed in "Licensing News", and will include the
26 following:

27 (A) Case number.
28

1 (B) Allegation: citing possible cause(s) of
2 action under 14 CCR §1612.1.

3 (C) Authority: citations of applicable statutory
4 and regulatory sections.

5 (D) Action: announcement of the disciplinary
6 action taken and a general summary of the facts
7 of the case, along with the reasons for the
8 Board's decision explaining in detail why the
9 PFEC Letter of Concern or Private Board Reprimand
10 was issued. The notification shall also disclose
11 that the members of the PFEC or Board considered
12 the potential for conflict of interest or bias
13 and whether any members of the PFEC or Board
14 recused themselves accordingly.

15 (3) When disciplinary action results in license
16 suspension or revocation, the name of the RPF or
17 specialty certificant and the specifics of the case
18 will be made public. A summary of the case will be
19 noticed in the "Daily Recorder", "Licensing News", the
20 meeting minutes of the Board, and announced in open
21 session of the Board meeting at which the discipline
22 was approved. These notices will include the
23 following:

24 (A) Case number.

25 (B) RPF or specialty certificant name and license
26 number.

27 (C) City of business at the time of notice.
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1 (D) Allegation: citing possible cause(s) of
2 action under 14 CCR §1612.1.

3 (E) Authority: citations of applicable statutory
4 and regulatory sections.

5 (F) Action: announcement of the disciplinary
6 action taken and a specific summary of the facts
7 of the case, along with the reasons for the
8 Board's decision. The notification shall also
9 disclose that the members of the PFEC or Board
10 considered the potential for conflict of interest
11 or bias and whether any members of the PFEC or
12 Board recused themselves accordingly.

13 (4) The information summarized in "Licensing News"
14 under (b) (1), (b) (2), and (b) (3) above shall be
15 available upon request to the public.

16 (c) The Board may provide notice to the news media of
17 disciplinary actions. The Board shall comply with the
18 following standards when providing notice to the media.

19 (1) Media releases shall occur in all instances when
20 disciplinary action results in the following:

21 (A) Suspension or revocation based on any of the
22 following cause(s):

23 (i) conviction of a felony as defined in
24 Section 778(a) and governed by Section 778.5
25 of the Public Resources Code.

26 (ii) fraud.

27 (iii) deceit.

28 (iv) gross negligence.

1 (v) incompetence.

2 (B) The PFEC has recommended revocation or a
3 suspension greater than 30 days for any cause
4 under 14 CCR §1612.1.

5 (2) The media release shall be approved by the by the
6 Board, and shall contain all information cited in
7 subsection (b) (3).

8 (3) The media release shall be submitted to a
9 newspaper of general circulation in the county(ies)
10 where the infraction(s) occurred.

11
12 **1614. Criteria for Rehabilitation.**

13 When considering the specified conditions of denial or
14 reinstatement from suspension or revocation of a license, the
15 board, in evaluating the rehabilitation of the applicant and
16 present eligibility for a license will consider the following
17 criteria:

18 (a) The nature and severity of the act(s) or crime(s) under
19 consideration as grounds for denial or reinstatement.

20 (b) Evidence of any act(s) committed subsequent to the
21 act(s) or crime(s) under consideration for grounds for
22 denial or reinstatement which also could be considered as
23 grounds for denial or reinstatement.

24 (c) The time that had lapsed since the commission of the
25 act(s) or crime(s).

26 (d) The extent to which the applicant or licensee has
27 complied with any terms of parole, probation, restitution,
28

1 or any other sanctions lawfully imposed against the
2 applicant.

3 (e) Evidence, if any, of rehabilitation submitted by the
4 applicant or the individual(s) making the initial complaint
5 that initiated the disciplinary action, who shall be
6 notified of the opportunity to and permitted to submit such
7 evidence before the board's consideration of rehabilitation
8 under this section.

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10 **1620.1. Professional and Personal References.**

11 An applicant shall include in the application for registration
12 the names and addresses of two qualified foresters or licensed
13 specialty certificants, as applicable, as references, who are
14 familiar with the professional work and three responsible
15 members of the community who are not foresters or licensed
16 specialty certificants, as applicable, who ~~can~~ attest to the
17 character and business integrity of the applicant. Such
18 references may be consulted by the examining committee regarding
19 the qualifications of the applicant.

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21 **Article 2.5. Applications for Registration Without Examination.**

22 **1629. Applications for License Renewal**

23 An applicant for license renewal shall demonstrate that he or
24 she meets all requirements for initial licensing as set forth in
25 Public Resources Code section 769, except that such applicant
26 may not be required to re-take the qualification examination
27 except upon a showing of good cause, before such license may be
28 renewed. An applicant for license renewal may rely on his or her

initial application for licensing to demonstrate compliance with Public Resources Code, section 769, subdivision (a) or (b); however, the Board or its designee shall consider any other information available to the Board when determining whether an applicant for license renewal continues to comply with the requirements set forth in Public Resources Code, section 769, subdivision (a).

Article 3. Examinations

1647. Appeal Procedure.

Within thirty (30) days of mailing or personal service notice, any real party of interest or petitioner, as applicable, may appeal the actions of the Committee or Executive Officer to the Board for a review, including but not necessarily limited to review provided in accordance with Section 765 of the Code. The appeal for review shall be made in writing, stating the reason therefore and citing the items against which the appeal is made. The Board's Executive Officer shall conduct a review thereon, and provide to the applicant the reasons for the decision along with a Notice of Defense form as required by Government Code 11506 if applicable. If pertaining to an appeal regarding an applicant for a license who contends that he or she has been aggrieved by any action taken by the examining committee with respect to his or her qualifications, ~~T~~the person may, by completing and returning the form, further contest the results of the Board's executive officer review at a hearing with an Administrative Law Judge to assist the Board in its final determination in accordance with Chapter 5 of Part 1, Division

3, Title 2 of the Government Code, commencing with Section 11500. If pertaining to an appeal regarding the closure of a complaint submitted under Public Resources Code section 775 without the initiation of an adjudicatory proceeding under the Administrative Procedure Act, Government Code sections 11370 et seq., the Board's executive officer review decision under this section shall constitute the Final Action and shall be supported by substantial evidence; and upon the Board's notice of Final Action, the complainant and subject of the complaint may pursue any available remedy under the law including but not necessarily limited to filing a petition for writ of mandate under the Code of Civil Procedure, within 60 days of the date of receipt of the Board's Final Action.

Article 4. Miscellaneous.

1650. Specialties.

(a) As an alternative to being registered as a RPF, any person qualified pursuant to this Article is eligible for certification in a specialty. Both RPFs and non-RPFs are eligible for certification in a specialty. Only a person registered as a Certified Specialist may use this title of that specialty.

A certificate in each specialty created will be issued by the Board pursuant to the standards contained in Section 772 of the Code. Specialties will be created by regulation as the need arises.

(b) To protect the public interest, the following certified specialties shall be implemented and overseen by the

1 Executive Officer, with the assistance of the Examining
2 Committee:

3 (1) Certified Rangeland Management Specialty

4 (c) For independent certification programs submitted by a
5 ~~professional society or~~ public agency pursuant to Section
6 772 of the Code, the following process shall apply:

7 (1) When a ~~professional society or~~ public agency
8 establishes an internal certification panel for any or
9 all of the following purposes: reviewing an
10 applicant's qualifications, administering an
11 examination to evaluate an applicant's professional
12 understanding, awarding certifications, reviewing
13 allegations of misconduct, and administering
14 discipline; the panel members shall have first been
15 certified by the Board as meeting the professional
16 qualifications and standards for that Certified
17 Specialty before undertaking their responsibilities
18 pursuant to this Section. The certification of the
19 panel members may be done by a subcommittee of the
20 PFEC appointed by the Board and composed of resource
21 professionals in good standing representing a broad
22 cross section of employment and expertise in that
23 specialty. All subsequent panel members shall also be
24 certified in this manner.

25 (2) The PFEC shall be notified by the appropriate
26 ~~society or~~ public agency, if not the Board, of any
27 Certified Specialist ~~who is guilty of violations of~~
28 ~~professional standards and~~ against whom issued

1 disciplinary action is taken ~~e-by the public~~
2 ~~agency pursuant to the respective certification~~
3 ~~program~~. The Certified Specialists shall be subject to
4 disciplinary actions under the Professional Foresters
5 Law due to a disciplinary action taken by the public
6 agency. ~~by the Board as defined in this chapter for~~
7 ~~violation of those standards, or for violation of~~
8 ~~those standards promulgated by the Board pursuant to~~
9 ~~Section 778 of the Code.~~

10 (3) The PFEC shall be notified of any proposed actions
11 to be taken by a ~~professional society or~~ public agency
12 which may affect the specialty certification program
13 of the ~~society or~~ public agency, including but not
14 limited to modification of the requirements for
15 certification or professional accountability. Any
16 modification to a specialty certification program must
17 be approved by the PFEC prior to implementation or the
18 program may be rejected by the Board. The
19 modifications shall not significantly alter the
20 qualifications and accountability within the original
21 certification.

22 (4) ~~Each Prior to March 1 of each~~ calendar year, the
23 PFEC shall conduct a review of the certification
24 program at a noticed public hearing ~~those Professional~~
25 ~~Societies and public agencies with independent~~
26 ~~certification programs shall submit to the PFEC a~~
27 ~~report which describes the previous calendar year~~
28 ~~accomplishments of the certification program,~~

1 ~~including but not limited to the number of applicants~~
2 ~~for certification, the approvals, denials, copies of~~
3 ~~examinations, and a summary of disciplinary actions,~~
4 to insure the program fully protects the public
5 interest. This review ~~Failure to submit the report may~~
6 ~~result in a full review which~~ may result in the
7 rejection of the Certification program by the Board.

8 (d) All Certified Specialists are subject to annual
9 registration and fees for renewal of Specialty Certificates
10 pursuant to 14 CCR, Sections 1605 and 1607.

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12 **1651. Certified Rangeland Management Specialty.**

13 (a) A "Certified Rangeland Manager (CRM)" is a person who
14 provides services pursuant to 14 California Code of
15 Regulations (CCR) 1602, at the request of the landowner or
16 hiring agent, relating to the application of scientific
17 principles to the art and science of managing rangelands
18 and range as defined in the California Code of Regulations,
19 title 14, section 1561.1, and Public Resources Code,
20 section 4789.2. A Certified Rangeland Manager shall perform
21 professional services only in those subjects in which he or
22 she is competent by training and experience.

23 (b) When a CRM is providing range management services
24 related to the production of forage and livestock on
25 forested landscapes, a RPF shall be consulted if there are
26 potential impacts on related forest resources.

27 (c) Qualifications as a Certified Rangeland Manager may be
28 achieved as set forth by Article 2 of this title.~~by~~

1 ~~submitting evidence of certification by the California~~
2 ~~Section of the Society for Range Management (CA-SRM) as a~~
3 ~~Certified Rangeland Manager pursuant to its "Program for~~
4 ~~Certification of Professional Rangeland Managers" (PCPRM)~~
5 ~~dated June 5, 1992 and amended on November 4, 1993.~~

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